



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: April 5, 2011

SUBJECT: BZA Case No. 18199, 3456 Pennsylvania Avenue, S.E., Square 5528, Lot 30

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends **APPROVAL** of:

A special exception pursuant to § 205 of Title 11 DCMR, to permit a child development center within the R-1-B district.

II. AREA AND SITE DESCRIPTION

Address	3456 Pennsylvania Avenue, S.E.
Legal Description	Square 5528, Lot 30
Ward	7
Lot Characteristics	Rectangular corner lot with no alley access.
Existing Development	Church with school classroom wing, playground and off-street parking.
Zoning	R-1-B— low density residential; a child development center is permitted by special exception in this zone.
Adjacent Properties	North and West: One-family detached dwellings South and East: Stanton Park
Surrounding Neighborhood Character	Predominantly detached dwellings.

III. APPLICATION

The applicant, Lena Sears Child Development Center, requests approval to permit the continuation of a child development center for up to 80 children up to age five and 14 faculty and staff members at the Church of Jesus Christ. Thirty of the children would be less than two years of age. The center was last first approved by the Board in 1993 (BZA Case No 15838) for a period of three years. It was renewed in 1998 (BZA 16337) for a period of three years concurrent with a request to run a summer camp program (16338) which the applicant is not renewing. The application was granted subject to the following conditions:

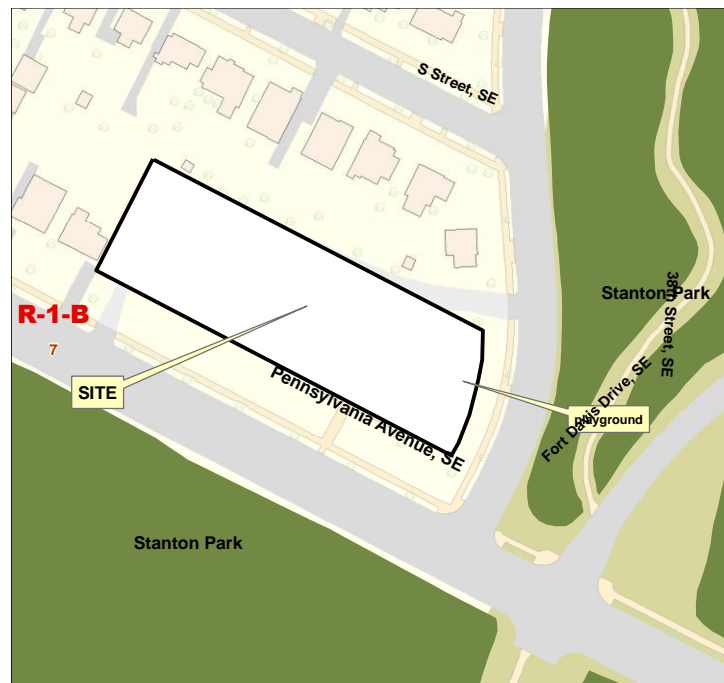
- 1. Approval shall be for a period of three (3) years, expiring concurrently with BZA Application No. 16338.*
- 2. The number of children shall not exceed eighty (80). The number of employees shall not exceed eight (8).*
- 3. The ages of the children shall be infants through five (5) years old.*
- 4. The hours and days of operation shall be 6:00 a.m. to 7:00 p.m., Monday through Friday.*



5. *The applicant shall provide 40 on-site parking spaces.*
6. *Outdoor playtime shall be staggered so that all the children shall not be on the play area at one time. Diligent efforts shall be taken by the applicant to reduce noise in the play area and when the children are escorted through the neighborhood.*
7. *Drop off and pick up of children shall occur at the entrance into the building from the parking lot. Access to the site shall be via a one-way driveway accessed by the ramp from Pennsylvania Avenue and exiting onto 38th Street.*
8. *The applicant shall work cooperatively and collaboratively with the community to maintain a community liaison program. Meetings with Advisory Neighborhood Commission 7B and the Penn-Branch Citizens/Civic Association shall be held on a regular basis. The parties, at their discretion, shall determine the number of meetings. The meetings shall occur, at minimum, twice yearly. The applicant shall be responsible for keeping minutes of all meetings and providing quarterly reports of its activities. The applicant shall file copies of all minutes and quarterly reports with the Board at the time of filing an application for continuance of the special exception relief.*
9. *The applicant shall mitigate soil erosion on the 38th Street frontage of the property by planting the appropriate materials. All landscaping on the site shall be maintained in a neat and healthy growing condition.*
10. *The applicant, in conjunction with the community, shall consult with the Department of Public Works (DPW) to determine if a guardrail is necessary along the west side of the Pennsylvania Avenue access.*
11. *The property shall be kept free of refuse and debris at all times. Any outdoor trash storage containers shall be screened from view by fencing or landscaping.*

The applicant proposes to continue the operation of the center in much the same way as was approved in 1998. The differences are:

1. Increase the number of staff from 8 to 14 with no increase in the number of children; and
2. It was determined that the driveway entrance from Pennsylvania Avenue be widened to 16 feet (completed) and no guardrail installed.



Zoning and Vicinity Map

IV. OFFICE OF PLANNING ANALYSIS

Special exception pursuant to § 205 – Child Development Centers

Use as a child development center shall be permitted as a special exception within a residential district if approved by the Board of Zoning Adjustment, subject to the following provisions.

205.2 *The center or facility shall be capable of meeting all applicable code and licensing requirements.*

The application indicates that the applicant is capable of meeting all applicable code and licensing requirements. The Child Care Licensing Unit of the Office of the State Superintendent of Education (OSSE) recommends that the application be approved.

205.3 *The center or facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance.*

Pick-up and drop-off would continue to occur within the parking lot, as approved under previous BZA applications. Ingress is from Pennsylvania Avenue and egress is onto 38th Street. The entrance ramp from Pennsylvania Avenue was widened to sixteen feet to improve access. Forty on-site parking spaces would be available to the center within the church's parking lot during the center's hours of operation, and DDOT had no comments on the application. Therefore, the center should not create any objectionable traffic conditions or unsafe conditions for picking-up or dropping-off children.

205.4 *The center or facility shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.*

Chapter 21 of the Zoning Regulations requires four off-street parking spaces for the use. A total of forty off-street parking spaces would continue to be provided within the existing parking lot. Therefore, more than sufficient off-street parking would be available for teachers, other employees and visitors.

205.5 *The center or facility, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual, or other objectionable conditions.*

The center has one outdoor play area on the east side of the building. It is enclosed by a chain link fence and surrounded by ten white pine trees, buffering it from neighboring residences to the north, across the existing church driveway to 38th Street. Use of the playground would continue to be staggered throughout the day so that all children would not have access to it at one time. Therefore, there should be no objectionable impacts on adjacent or nearby properties as a result of this day care center. The hours of operation of the center would continue to be 6:00 a.m. to 7:00 p.m., Monday through Friday, with children up to age five.

205.6 *The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties.*

The application indicates that they have been in contact with the ANC, and that the ANC is supportive, although to date no ANC comments have been submitted. In light of this, and the number of years that the center has been in operation, OP does not recommend that a time limit be placed on the application. The requirement that meetings be held with the community be continued may also no longer be necessary; OP would not oppose its removal if the ANC agrees with this

action. OP would also encourage the applicant to consider adding landscaping for the parking lot to soften its appearance, provide environmental benefits, and provide additional screening of the parking area for neighboring properties. OP would not oppose a minor adjustment to the required parking number to achieve this if requested by the applicant.

- 205.7 *Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at center or facility in traveling between the play area and the center or facility itself.*

No off-site play areas are proposed.

- 205.8 *The Board may approve more than one (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.*

The Office of Planning is unaware of any other child development center within the square or within 1,000 feet.

- 205.9 *Before taking final action on an application for use as a child/elderly development center or adult day treatment facility, the Board shall submit the application to the D.C. Departments of Transportation and Human Services, the D.C. Office on Aging, and the D.C. Office of Planning for review and written reports.*

- 205.10 *The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center or facility can meet all licensing requirements set forth in the applicable laws of the District of Columbia.*

The Child Care Licensing Unit, in a memorandum dated March 9, 2011, that the application be granted. No comments were received from DDOT.

V. COMMUNITY COMMENTS

No comments were received from ANC 7B.

VI. CONCLUSION AND RECOMMENDATION

The Office of Planning recommends **APPROVAL** of this special exception pursuant to § 205 to permit a child development center within the R-1-B district, subject to the following conditions, with changes from the last approval noted:

- ~~Approval shall be for a period of three (3) years, expiring concurrently with BZA Application No. 16338. OP is not proposing a time limit as the facility has successfully operated for a number of years.~~
- *The number of children shall not exceed eighty (80). The number of employees shall not exceed ~~eight (8)~~ fourteen (14)*
- *The ages of the children shall be infants through five (5) years old.*
- *The hours and days of operation shall be 6:00 a.m. to 7:00 p.m., Monday through Friday.*
- *The applicant shall provide 40 on-site parking spaces.*
- *Outdoor playtime shall be staggered so that all the children shall not be on the play area at one time. Diligent efforts shall be taken by the applicant to reduce noise in the play area and when the children are escorted through the neighborhood.*

- *Drop off and pick up of children shall occur at the entrance into the building from the parking lot. Access to the site shall be via a one-way driveway accessed by the ramp from Pennsylvania Avenue and exiting onto 38th Street.*
- *The applicant shall work cooperatively and collaboratively with the community to maintain a community liaison program. Meetings with Advisory Neighborhood Commission 7B and the Penn-Branch Citizens/Civic Association shall be held on a regular basis. The parties, at their discretion, shall determine the number of meetings. The meetings shall occur, at minimum, twice yearly. The applicant shall be responsible for keeping minutes of all meetings and providing quarterly reports of its activities. The applicant shall file copies of all minutes and quarterly reports with the Board at the time of filing an application for continuance of the special exception relief. **The BZA may wish to consider eliminating this requirement if the ANC agrees.***
- *The applicant shall mitigate soil erosion on the 38th Street frontage of the property by planting the appropriate materials. All landscaping on the site shall be maintained in a neat and healthy growing condition.*
- ~~*The applicant, in conjunction with the community, shall consult with the Department of Public Works (DPW) to determine if a guardrail is necessary along the west side of the Pennsylvania Avenue access.*~~ **This item has been completed.**
- *The property shall be kept free of refuse and debris at all times. Any outdoor trash storage containers shall be screened from view by fencing or landscaping.*

JS/sjm^{AICP}

Project Manager: Stephen J. Mordfin, AICP